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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,023	08/20/2001	Takeshi Nomura	110400	5234

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EXAMINER

FIORILLA, CHRISTOPHER A

ART UNIT PAPER NUMBER

1731

DATE MAILED: 07/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/932,023	Applicant(s) NOMURA ET AL.	
	Examiner Christopher A. Fiorilla	Art Unit 1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____ |

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1. The information disclosure statement filed 8/20/01 fails to comply with 37 CFR 1.98(a)(2), which requires for each U.S. application cited a copy of the specification, including claims, and any drawings of the application, or that portion of the application which caused it to be listed including any claims directed to that portion. It has been placed in the application file, but the U.S. application referred to therein has not been considered. Note also, that the foreign patent listed indicates an abstract was submitted. No abstract was attached.

2. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, it appears as though the formula in line 3 includes a term “n’”, but it is later referred to as simply “n”. The claim should be amended so that the terminology is consistent.

Claim 1 is indefinite in that it recites :

“wherein the ratio of the subcomponents with respect to 100 moles of the main component is

first subcomponent: 0.1 to 3 moles...”

This is indefinite because a ratio is a relationship between two quantities and it should have no “units” (i.e. it cannot be expressed in terms of moles”).

Claims 2,3,4 also contain ratios expressed with units. These are indefinite as well. Note claim 6 appears to recite a ratio in proper terms (i.e. without units).

In claim 1, the phrase “where, the number of moles of the fourth subcomponent is a ratio or R alone” is confusing. A ratio by definition is a relationship between two things.

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In claim 1, line 26, a comma should be inserted after the word “component”.

Claim 19 is indefinite in that it is unclear as to the meaning of the limitation following the phrase “characterized by”.

In claim 19, the phrase “the material which is premixed in BaTiO_3 ” has no antecedent basis.

Claim 20 is indefinite in that it is unclear as to the meaning of the limitation following the phrase “characterized by”.

In claim 20, the phrase “the material which is premixed in BaTiO_3 ” has no antecedent basis.

3. Claims 1-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Page 5 of the specification, for example recites:

“wherein the ratio of the subcomponents with respect to 100 moles of the main component is

first subcomponent: 0.1 to 3 moles...”

This is unclear because a ratio is a relationship between two quantities and it should have no “units” (i.e. it cannot be expressed in terms of moles”). Thus it cannot be determined what was intended.

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Further, page 5 recites "where, the number of moles of the fourth subcomponent is a ratio or R alone" is confusing. A ratio by definition is a relationship between two things. Thus, again, it cannot be determined what was intended.

Further, on pages 7 and 8. The description which relates to claims 19-22 is unclear. The meaning of the limitation following the phrase "characterized by" at e.g. page 7, line 32..

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Fiorilla whose telephone number is 703-308-0674. The examiner can normally be reached on M-F, 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven P. Griffin can be reached on 703-308-1164. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7718 for regular communications and 703-305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.



Christopher A. Fiorilla
Primary Examiner
Art Unit 1731